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UBER TECHNOLOGIES, INC.;  
RASIER, LLC; and RASIER-CA, LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

This Document Relates to:  
  
ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DECLARATION OF MICHAEL B.  
SHORTNACY IN SUPPORT OF  
DEFENDANTS UBER TECHNOLOGIES,  
INC., RASIER, LLC, AND RASIER-CA,  
LLC'S LETTER BRIEF  
REGARDING UBER'S REDACTIONS IN  
PRODUCTIONS PURSUANT TO  
PRETRIAL ORDER NO. 5**

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

1 I, Michael B. Shortnacy having personal knowledge of the following state:

2 1. I am a partner at the law firm of Shook, Hardy & Bacon LLP, attorneys of record for  
3 Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I am  
4 a member in good standing of the Bars of the State of California, the State of New York, and the  
5 District of Columbia. I know the following facts to be true of my own knowledge, except those matters  
6 stated to be based on information and belief, and if called to testify, I could competently do so.

7 2. I respectfully submit this declaration in support of Uber’s Pretrial Order No. 8 (PTO 8)  
8 letter brief regarding Uber’s redactions in productions made pursuant to Pretrial Order No. 5 (PTO 5).

9 3. Upon entry of PTO 5 on December 28, 2023, Uber immediately began working to  
10 comply with PTO 5. Uber’s first production was made on January 4, 2024, just one week after PTO 5  
11 was issued. Uber’s compliance with PTO 5 required substantial efforts to identify, locate, and pull  
12 copies of document productions made (in some cases years ago, by law firms that are no longer  
13 retained by Uber since the conclusion of the respective matters those firms handled), across numerous  
14 cases and government inquiries, involving many different in-house counsel (some now-former Uber  
15 employees) and outside counsel. Uber made rolling productions in compliance with PTO 5 and, by  
16 April 12, had produced over 365,000 pages.

17 4. In its productions pursuant to PTO 5, Uber made limited redactions on the basis of: (1)  
18 legal privilege; (2) personal identifying information (PII) (e.g., names, birth dates, contact  
19 information, etc., of individuals, some of whom allege they are survivors of sexual assault or  
20 misconduct); and (3) information beyond the scope of PTO 5. In its PTO 5 productions, Uber redacted  
21 only 3 documents for privilege, 8,806 documents for PII, and 22 documents for information beyond  
22 the scope of PTO 5. In its PTO 5 productions, Uber has not redacted PII for Uber employees that  
23 appear in incident reports and correspondence related to sexual assault incidents.

24 5. Uber’s scope redactions were only made to productions pursuant to § 6.B of PTO 5  
25 (*see* ECF 175, p.4, requiring production of “documents Defendants produced to legislative, regulatory,  
26 or enforcement entities in connection with government investigations or inquiries within the United  
27 States of Uber with respect to sexual assault, including attempted assaults....”) Uber did not make  
28 scope redactions to productions made pursuant to § 6.C of PTO 5 (*see id.*, p.4, requiring production

1 of “documents Defendants produced in any other Uber sexual assault cases....”) None of the  
2 information redacted for scope was related to sexual assault or any topic within the scope of PTO 5,  
3 but instead related to irrelevant topics such as traffic violations.

4 6. In the February 29, 2024 hearing on Uber’s PTO 5 productions, Uber referenced its  
5 scope redactions, explaining to the Court that “[t]here are two large Excel files that contain data  
6 provided to the CPUC,” which are “like 30,000 rows of different data points.” Uber stated that it was  
7 working on “filter[ing] out some of the irrelevancy, like traffic violations or what have you, amongst  
8 the data.”

9 7. Plaintiffs first raised the issue of Uber’s redactions in its PTO 5 productions in a meet  
10 and confer on March 26. Plaintiffs stated that they could not distinguish between redactions made in  
11 the underlying litigations and inquiries and those redactions made for purposes of Uber’s PTO 5  
12 redactions in *this* litigation. Uber asked Plaintiffs for examples. Plaintiffs followed up with six  
13 exemplar documents on April 2. The same day, Uber responded by email, explaining to Plaintiffs how  
14 to distinguish between the types of redactions made in the prior litigation and those made in this  
15 litigation.

16 8. In an April 12 meet and confer, Uber explained to Plaintiffs that the redactions in the  
17 exemplars Plaintiffs sent on April 2 were redactions for PII.

18 9. On April 16, Plaintiffs followed up regarding the April 12 meet and confer with several  
19 detailed questions about Uber’s PTO 5 productions. In this email, Plaintiffs provided an exemplar  
20 document they had discussed at the April 12 and demanded that Uber provide “full detail regarding  
21 Uber’s current redaction practices.” Uber responded on April 16, responding to a number of items in  
22 Plaintiffs’ email, and stating that it would look into that exemplar. On April 26, Uber explained that  
23 this exemplar document contained scope redactions. It further explained that scope redactions were  
24 not made in re-productions from prior litigations.

25 10. On April 26, Uber provided Plaintiffs with an index with details for the contents of  
26 each PTO 5 production volume, including dates of production, Bates numbers of the documents in the  
27 production volume, and whether each volume contained PII redactions, scope redactions, or was  
28 produced with a computer file that would allow Plaintiffs’ document review platform to easily query

or identify whether each document contained redactions made for purposes of this litigation (as opposed to redactions that were applied to the documents when the documents were previously produced in the underlying matters). A true and correct image of this index is below:

Date(s)	Vol.	Bates Begin	Bates End	PII Redaction	Scope Redactions	.dat file
1/4/2024	0	UBER-MDL3084-000000001	UBER-MDL3084-000000296	No	No	No
1/31/2024; 2/8/2024; 2/12/2024; 2/13/2024; 2/14/2024	1-5	UBER-MDL3084-000000297	UBER-MDL3084-000002841	No	Yes	No
2/22/2024	6	UBER-MDL3084-000002842	UBER-MDL3084-000003713	No	No	No
2/28/2024	7	UBER-MDL3084-000003714	UBER-MDL3084-000003858	Yes	Yes	No
3/8/2024	8	UBER-MDL3084-000003859	UBER-MDL3084-000004039	Yes	Yes	Yes
3/8/2024	9	UBER-MDL3084-000004040	UBER-MDL3084-000162697	Yes	No	Yes
3/8/2024	10	UBER-MDL3084-000162698	UBER-MDL3084-000162857	Yes	Yes	Yes
3/22/2024	11	UBER-MDL3084-000162858	UBER-MDL3084-000163620	Yes	No	Yes
4/2/2024	12	UBER-MDL3084-000163621	UBER-MDL3084-000283828	Yes	No	Yes
4/2/2024	13	UBER-MDL3084-000283829	UBER-MDL3084-000285237	Yes	Yes	Yes
4/12/2014	14	UBER-MDL3084-000285238	UBER-MDL3084-000365533	Yes	No	Yes
4/12/2024	15	UBER-MDL3084-000365534	UBER-MDL3084-000365794	Yes	Yes	Yes

11. On May 10, the Uber met and conferred with Plaintiffs, at which Plaintiffs requested an explanation of how to distinguish between original redactions and those made in this litigation in

1 the first 7 volumes of documents produced pursuant to PTO 5, and how to determine whether  
2 documents were redacted for PII or scope.

3 12. On May 13, Uber sent Plaintiffs a computer “overlay” file (referred to in the chart  
4 above as a “.dat file”) that Plaintiffs could load onto their document review platform and determine  
5 which specific documents were redacted in volumes 8-15 of Uber’s PTO 5 productions. Uber further  
6 explained to Plaintiffs that volumes 1, 6, and 7 do not appear to have any redactions. Uber also  
7 explained that Volumes 2-5, which consist of documents provided to regulators contained some scope  
8 redactions. Uber also provided details on the nature of the redactions contained in each of the other  
9 production volumes. A true and correct image of Uber’s explanation to Plaintiffs is below:

- 10 1. Volumes 1, 6, and 7 do not appear to have redactions, and thus we believe there is no dispute.
- 11 2. Volumes 2-5 consist of documents Uber previously submitted to regulators. The redactions on these documents are  
12 made by block boxes and Plaintiffs should presume the redactions were made for purposes of this litigation for  
13 content that is not within the scope of PTO 5: (a) sexual assault, (b) the “Safe Rides Fee,” or (c) any alleged  
14 systemic failures to warn or to address sexual assault due to inadequate safety measures, such as defective  
15 background checks.
- 16 3. Volume 8 contains redactions for privilege which are expressly labeled. Those privilege redactions are also on the  
17 privilege log. Volume 8 also has black box redactions. For a spreadsheet, UBER-MDL3084-3882, the column of  
the spreadsheet containing driver’s names (indicated clearly in the column header of the spreadsheet) is redacted  
for PII. The remaining redactions on the spreadsheet are on the basis of scope (i.e., redaction of other events  
outside of those relating to sexual assault and/or misconduct, such as driving without insurance, vehicle accidents,  
traffic violations, etc.).
4. Volumes 9 and 11 contain redactions for PII.
5. Volume 10 contains redactions for scope, as in Volume 8.
6. Volumes 12-15 contain redactions that are clearly labeled on their face to indicate whether a redaction was on the  
basis of PII. Other redactions within these volumes should be presumed to be scope redactions

18 13. On May 14, Uber met and conferred with Plaintiffs again on PTO 5 productions.  
19 Plaintiffs requested explanations on a number of issues, including revisiting issues that had been  
20 discussed at length over the preceding meet and conferrals: “all types of redactions made in any  
21 documents produced by Uber to date” and “the method by which Plaintiffs can determine what  
22 redaction applies to what document(s).”

23 14. On May 29, Uber met and conferred with Plaintiffs on PTO 5 productions.

24 15. On May 31, Uber provided responses to Plaintiffs’ numerous questions posed on May  
25 14 regarding a range of issues related to PTO 5. Uber informed Plaintiffs, “In the spirit of compromise,  
26 and given that the documents will be produced under the ‘Highly-Confidential – Attorney eyes only  
27 designation, Uber has agreed to unredact independent drivers’ names in PTO 5 productions. Uber will  
28 continue to redact PII for third party plaintiffs and non-drivers as required by ECF 321.” In addition



1 to agreeing to un-redact independent drivers' names, Uber explained that its redactions (in documents  
 2 previously produced to regulators) included some redactions of materials beyond the scope of PTO 5.  
 3 Uber provided the example of spreadsheets that "contain tens of thousands of cells about traffic  
 4 violations and other issues that are not related to sexual assault or sexual misconduct; thus not within  
 5 the plain language of PTO5," but clarified that "all those cells with information about alleged sexual  
 6 assault or sexual misconduct are provided [i.e., unredacted]."

7 16. The issue of Uber's redactions in its PTO 5 productions was discussed in the joint status  
 8 reports dated June 4 and July 11, 2024 (ECF 588, pp.10-13 and ECF 693, pp.7-10).

9 17. The document attached by Plaintiffs as Exhibit A to the PTO 8 letter brief (Bates  
 10 labeled as UBER-MDL3084-000001290), was produced pursuant to Section 6.B of PTO 5 on  
 11 February 12, 2024. This document contains redactions for information provided to a regulator that is  
 12 beyond the scope of PTO 5, i.e., the redacted portions relate to issues other than sexual assault or  
 13 misconduct inquiries. Uber told Plaintiffs by email on April 26 that this document contained scope  
 14 redactions.

15 18. The document attached by Plaintiffs as Exhibit B to the PTO 8 letter brief (Bates  
 16 labeled as UBER-MDL3084-000048774), was produced pursuant to Section 6.C of PTO 5 on March  
 17 8, 2024. This document contains redactions for PII. On April 26, Uber told Plaintiffs that production  
 18 Volume 9 (which includes this document) contains redactions for PII but not for scope. On May 13,  
 19 Uber told Plaintiffs that the redactions in Volume 9 are for PII (and not, as Uber had previously  
 20 explained, including in the chart sent on April 26, *see* ¶ 10 above, for scope).

21 19. In the document attached by Plaintiffs as Exhibit C to the PTO 8 letter brief (Bates  
 22 labeled as UBER-MDL3084-000033294), the redactions identified by Plaintiffs beginning on page 30  
 23 (UBER-MDL3084-000033323) were made in the underlying litigation, not in this litigation. The  
 24 document was therefore re-produced in the MDL in the form it was previously produced in the  
 25 underlying case, and thus compliant with PTO 5.

26 20. In the document attached by Plaintiffs as Exhibit D to the PTO 8 letter brief (Bates  
 27 labeled as UBER-MDL3084-000032853), the redactions identified by Plaintiffs were made in the  
 28

1 underlying litigation, not in this litigation. The document was therefore re-produced in the MDL in  
2 the form it was previously produced in the underlying case, and thus compliant with PTO 5.

3 21. In the document attached by Plaintiffs as Exhibit E to the PTO 8 letter brief (Bates  
4 labeled as UBER-MDL3084-000034701), the only redactions made by Uber as part of its PTO 5  
5 production in the MDL were redactions to the rider's names, which appear in the form of white boxes  
6 that state "REDACTED" within the box. Uber has previously explained to Plaintiffs during the meet  
7 and confer process how to identify these "white box" redactions, and the type of information (i.e.,  
8 personal identifying information) those boxes redact. The redactions in the Exhibit E document that  
9 appear as black boxes were made in the underlying production, as Uber has already explained to  
10 Plaintiffs during the meet and confer process. Uber has also explained to Plaintiffs that production  
11 Volume 9 (which includes this document) contains redactions for PII but not for scope.

12 22. In the document attached by Plaintiffs as Exhibit F to the PTO 8 letter brief (Bates  
13 labeled as UBER-MDL3084-000004053), the only redactions made by Uber as part of its PTO 5  
14 production were redactions to the rider's names, which appear as white boxes that state  
15 "REDACTED." The redactions in that document that appear as black boxes were made in the  
16 underlying, prior case production. Uber has explained to Plaintiffs that production Volume 9 (which  
17 includes this document) contains redactions for PII but not for scope.

18 23. The document attached by Plaintiffs as Exhibit G to the PTO 8 letter brief (Bates  
19 labeled as UBER-MDL3084-000055511), was produced pursuant to Section 6.C of PTO 5 on March  
20 8, 2024. No redactions were made to this document by Uber in its PTO 5 production in this litigation.  
21 The redactions in the document that appear as black-box redactions were made when the document  
22 was previously produced in the underlying, unrelated litigation.

23 24. In the document attached by Plaintiffs as Exhibit H to the PTO 8 letter brief (Bates  
24 labeled as UBER-MDL3084-000048716), the redactions made by Uber as part of its PTO 5 production  
25 were redactions to the independent drivers' ID numbers and emails, which appear as white boxes that  
26 state "REDACTED." The redactions in the document that appear as black-box redactions over email  
27 addresses on the first page of the document are redactions that were made when the document was  
28

1 previously produced in the underlying, unrelated litigation. Uber has explained to Plaintiffs that  
2 production Volume 9 (which includes this document) contains redactions for PII but not for scope.

3 25. The document attached by Plaintiffs as Exhibit I to the PTO 8 letter brief (Bates labeled  
4 as UBER-MDL3084-000018830), is a photograph of the driver's license of an independent driver,  
5 which contains PII. This document was re-produced in this litigation on March 8, 2024. Uber has  
6 explained to Plaintiffs that production Volume 9 (which includes this document) contains redactions  
7 for PII but not for scope. This document would be un-redacted as a part of Uber's proposed  
8 compromise to un-redact driver information.

9  
10 I declare under penalty of perjury that the foregoing is true and correct.

11  
12 Executed on July 30, 2024.

13 By: /s/ Michael B. Shortnacy  
14 Michael B. Shortnacy  
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